



Docket No.: BALIN-59231
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Michael E. Tompkins, et al.

SERIAL NO.: 10/043,799

FILED: January 9, 2002

TITLE: SPA CONTROL SYSTEM

Date: April 15, 2004

Examiner: Maria N. Von Buhr

Group Art Unit: 2125

Certificate of Mailing Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on April 15, 2004.


John V. Hanley, Reg. No. 32,171

TERMINAL DISCLAIMER

RECEIVED

APR 21 2004

Technology Center 2100

MS: Non-Fee Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

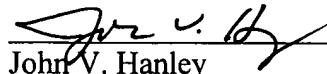
The owner, Balboa Instruments, Inc., of 100 percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 5,361,215; 5,550,753; 5,559,720; and 6,253,227. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-identified patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of prior patents (5,361,215; 5,550,753; 5,559,720; and 6,253,227) as presently shortened by any terminal disclaimer, in the event that such patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory terms therefor as shortened by any terminal disclaimer filed prior to grant.

Enclosed please find a check in the amount of \$110.00 which is submitted to cover this Terminal Disclaimer. Please charge any additional fees or credit any overpayments to our Deposit Account No. 06-2425. A duplicate of this letter is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP


John V. Hanley
Registration No. 38,171

JVH/kt

Fulwider Patton Lee & Utecht, LLP
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Tele.: (310) 824-5555
Fax: (310) 824-9696
Customer No. 24201
49255.1